UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/748,968	TARR ET AL.
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 June 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,4-31,33-78 and 80-110* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,4-31,33-78 and 80-110* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20060324</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submissions filed on 3/24/06 and 06/09/2006 have been entered.

2.   The following is a non-final office action in response to communications received

06/09/2006. By these communications, the amendments of 03/24/2006 to claims 1, 2, 4, 60, and

89 have been entered, along with supplemental amendments to claims 1, 30, 63, and 92 filed

with the communications. Claims 1-2, 4-31, 33-78, and 80-110 are pending in this application.

Response to Amendment

3.   Applicant's amendments to claims 2, 60, and 89 in the communications of 03/24/06 are

sufficient to overcome the claim objections set forth in the final office action of 01/27/2006.

Examiner notes that the status identifier on claim 60 is inaccurate and should be currently

amended instead of original. Status identifiers should be updated in the future to avoid a notice

of non-compliance.

4.   Applicant's amendment to claim 4 in the communications of 03/24/06 is sufficient to

overcome the 35 USC § 112, second paragraph, rejection set forth in the final office action of

01/27/2006.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et

al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015).

As per claim 1, Williams et al. teaches a computer-implemented method for surveying a

user with a tailored sequence of questions, comprising the steps of:

presenting a segment of the sequence of questions to said user, the user answers to said

segment determining an affinity of said user to at least **one** or more affinity groups, wherein each

affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3,

lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of

questions is asked of the user so that the user is matched with a work group having similar

characteristics to the user, the group including multiple profiles (for positions));

creating a profile for said user if a profile does not exist for said user, otherwise accessing

an existing profile for said user, and adding to the profile for said user based on said user's

answers to said segment (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-

50, wherein data is collected concerning a user during an interview process, this data outlining

and summarizing the data associated with the user so that it can be passed on to a

client/employer. The user may be new to the system or a person trying again, and thus already

known in the system);

associating said user profile with at least **one** or more affinity groups based on said user's

profile questions and corresponding answers (See figure 3, column 2, lines 50-65, column 3,

lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is

associated with at least one grouping of job positions based on his/her answers to questions);

presenting a particular subsequent segment of said sequence of questions to said user, the

selection of said subsequent segment to be influenced by answers received to a previously

presented question in said sequence of questions and a particular affinity group **or** combination

of affinity groups to which said user profile is associated by said method (See figure 3, column 2,

line 65-column 3, line10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein

subsequent sets of questions are asked of the user based on his/her association with profiles of

groups in the system);

repeating the steps above until all possible questions of said sequence of questions have

been presented to and answered by said user (See figures 2-4, column 2, line 65-column 3, line

10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein all possible questions for

all possible jobs are presented and answered);

at least one the questions being pertinent to at least one of compensation, benefits, wages,

and economic analysis (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20,

wherein the questions are pertinent to salary reports and other work related reports).

However, Williams et al. does not expressly disclose that said user profile is comprised of

said questions and corresponding answers or storing said user profile.

Turnasella discloses that said user profile is comprised of a sequence of questions and

corresponding answers and storing said user profile (See paragraphs 0006, 0031-0033, 0044,

0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in

the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted

amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via

a computer interface and associated with a user. Both systems concern the labor industry.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to store the profile information gained in Williams et al. along with the questions that

elicited the data in order to more accurately track the user's interactions with the system by

maintaining more complete records concerning each user. See column 2, lines 10-15 and 50-60,

and column 6, lines 50-60, of Williams et al. wherein a goal of the system is collect candidate

information and track the candidate.

Further, as for the limitation "if an appropriate affinity group does not exist, then creating

at least one new affinity group and associating said user profile with said new affinity group",

Williams et al. teaches the situation where affinity groups do exist. As currently recited, this

limitation is recited in the alternative, and thus is not required in cases where the methodology

does have appropriate existing affinity groups.

As per claim 2, Williams et al. teaches wherein said question is comprised of a set

comprising at least one question group that forms a logical grouping of questions (See column 7,

lines 5-25, 40-50, column 8, lines 10-30, wherein sets of questions are grouped together and

presented in predefined sequences. See also column 10, lies 45-60). However, Williams et al.

does not expressly grouping of question fields into a single record.

Turasella teaches grouping question fields into a single record (See paragraphs 0006,

0031-0033, 0036, 0038, 0044, 0048, 0055, wherein the questions are grouped into a record).

Both Williams et al. and Turnasella disclose systems wherein information is collected via

a computer interface and associated with a user. Both systems concern the labor industry.

Williams et al. specifically discloses sets of questions logically grouped together. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to store

theses question fields into a single record in order to more efficiently manage the routing of

questions and presentation to the user.

As per claim 4, Williams et al. discloses wherein said at least subsequent segment of said

questions is presented at least with regard to a defined relation to said at least a segment (See

figure 3, column 2, line 65-column 3, line10, column 7, lines 15-40 and 49-65, and column 8,

lines 5-32, wherein subsequent questions are presented based on predefined relationships to first

set of questions and associated answers).

As per claims 5-7, Williams et al. does not expressly disclose and Turnasella discloses

wherein said at least one corresponding answer comprises an open text (See at least figures 9 and

17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein text is entered) and

wherein said open text allows said user to add a new answer value for said at least one

corresponding answer, wherein said new answer is used as one of said respective answers when

said at least one question is subsequently posed to a second user (at least 0055, wherein the new

answer is used in later surveys).

Both Williams et al. and Turnasella disclose systems wherein information is collected via

a computer interface and associated with a user. Both systems concern the labor industry.

Williams et al. discloses an interface for collecting answers to a questions in order to determine

if a candidate is qualified for a position. Using open-text questions and fields is well known in

computer interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to use open text boxes in order to more accurately evaluate a candidate

for a job position by having more information with which to validate the candidate's

qualifications. See column 3, line 65-column 4, lines 15, which discuss the validation of a

candidate by matching the candidates answers to a task description.

As per claim 8, Williams et al. teaches wherein a question comprises at least two possible

answers (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30,

wherein different answers are received for the questions).

As per claim 9, Williams et al. teaches wherein said user may select more than one

answer to said question (See column 2, line 50-column 3, line 10, column 6, lines 50-65column

7, lines 5-30, wherein the user may enter multiple skills/qualifications or multiple locations, etc.).

As per claim 10, Williams et al. teaches wherein said at least two possible answers are

presented because of at least a defined relation to said at least one question (See column 2, line

50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein the user may enter

multiple skills/qualifications or multiple locations, etc.).

As per claim 11, Williams et al. teaches wherein said method further comprises the step

of: filtering said user's profile, wherein said filtering comprises the application of a rules engine

that compares said user profile to a set of predefined criteria (See column 2, line 35-50, column

4, lines 10-19, column 5, lines 55-67, column 8, lines 25-45, wherein the user's profile is sorted

by the system using predefined criteria stored in the system).

As per claim 12, Williams et al. discloses wherein said filtering step is performed in at least one of real-time; and batch mode (See column 8, lines 25-45, wherein the user is sorted upon completion of the questions).

As per claim 13, Williams et al. discloses wherein said filtering step further comprises the step of: modifying an answer to said question based on at least consistency with answers of said affinity group (See column 7, lines 5-25, wherein the user modifies an answer).

As per claim 14, Williams et al. teaches wherein said modification comprises at least consistency with answers of said affinity group (See column 7, lines 5-25, wherein the user modifies an answer based on omission of said answer).

As per claims 15-17, discloses a method further comprising the steps of periodically creating a new affinity group and associating at least one user to said new affinity group and a user creating a new affinity group and associating matching user profiles with said new affinity group (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed).

As per claim 18, Williams et al. teaches a method further comprising the step of: providing a report (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein a client/employer is given a report of potential hires).

As per claim 19, Williams disclose a method wherein generation of said report is constrained by at least a reporting goal (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 20, Williams et al. teaches a method wherein said goal comprises at least a profile attribute value (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 21, Williams et al. teaches a method further comprising the step of: weighting said constraints to provide a match score (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50).

As per claim 22, Williams et al. teaches said step of providing said report comprising the step of matching between at least a matchfield of said goal and a corresponding matchfield of at least one of: an affinity group; and a user profile (See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein the user profile is matched to the goal and a report is provided to the client/employer if the user matches) and generating a match score (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is scored).

As per claim 23, Williams et al. teaches a method further comprising the step of determining at least one best match from a plurality of possible matches (See column 2, lines 60-

column 3, line 10, column 8, lines 28-40, column 5, line 65-column 6, line 5, column 8, lines 40-45, wherein best matches are determined).

As per claim 24, Williams et al. discloses a method further comprising the step of: arranging matches by order of match score, said order being grouped to at least two levels of matches, based on said score (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is scored. The user is either considered a best match and ranked or is considered not suited for the position).

As per claim 25, Williams et al. discloses said step of matching further comprising the step of: providing an aggregated score for said matching step; and weighting the importance of including said match in said report (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50).

As per claim 26, Williams et al. discloses said step of matching further comprising the step of: classifying each match score as one of: deterministic to meeting said goal; and non-deterministic to meeting said goal (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the score reflects is the user satisfies the criteria and thus the score determines that the user is hirable).

As per claim 27, Williams et al. teaches a method wherein said goal is a personal goal, wherein the personal goal is a result of a plurality of user inputs pertaining to personal aspirations (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45).

As per claim 28, Williams et al. teaches wherein aggregated information comprises statistical information (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

As per claim 29 Williams et al. teaches wherein a report comprises: resulting from a personal goal a comparison of a user having said user profile to at an affinity group (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is compared to an affinity group).

Claims 30-46 recite equivalent limitations to claims 1-17, respectively, and are rejected using the same art and rationale as applied above.

As per claim 47, Williams et al. teaches wherein said affinity group comprises at least profession and geographic location (See figure 3 and column 7, lines 5-25, wherein the group is associated with a geographic location).

As per claim 48, Williams et al. teaches the step of: providing a compensation report (See column 4, lines 60-65, and column 10, lines 10-20, wherein a compensation report is provided that reflects costs and benefits).

As per claim 49, Williams et al. teaches said compensation report is constrained by a reporting goal (See column 4, lines 60-65, and column 10, lines 10-40, wherein the report is constrained by factors set forth by the employer/client).

As per claim 51, Williams et al. teaches said goal comprising at least a desired compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

Claims 50, 52-57, 59, and 61 recite equivalent limitations to claims 21, 22-27, 28, and 29, respectively, and are rejected using the same art and rationale as applied above.

As per claim 58, Williams et al. teaches said personal goal comprising at least compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

As per claim 60, Williams et al. teaches wherein statistical information comprises at least average compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

As per claim 62, Williams et al. teaches wherein said compensation comprises at salary (See column 10, lines 5-35, wherein average salary is considered). However, Williams et al. does not disclose that this is annual salary.

Turnasella teaches annual salary (See paragraphs 0049 and 0050 and figure 9, which discloses such salary information).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Representing salaries in terms of per year is well known in the labor industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use annual salary for the salary data in order to more consistently measure compensation using terms used by most employers.

As per claim 63, Williams et al. teaches an apparatus for compensation surveying and reporting by presenting a tailored sequence of questions to a user, comprising:

means for accessing the system via a network, wherein the network is the Internet (See column 2, lines 50-60, column 5, lines 40-55, which disclose the Internet).

means for surveying the user for information pertinent for determination of employment, said means for surveying presenting a segment of a sequence of questions to said user and the user answers to said segment being used to make a determination of an affinity of said user to one or more affinity groups wherein each affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions));

salary levels per job position (See column 10, lines 10-35);

means for creating a user profile for said user if a profile does not exist for a said user, otherwise accessing an existing profile for said user and adding said segment questions and corresponding answers to said user profile (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein data is collected concerning a user during an interview process, this data outlining and summarizing the data associated with the user so that it can be passed on to a client/employer. Since Williams et al. teaches the situation where the profile is created, the otherwise portion of this limitation is not required functionally, since it is recited in the alternative);

means for associating said user profile with one or more affinity groups, based on said user's profile (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions);

the questions being pertinent to at least one of compensation, benefits, wages, and

economic analysis (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20,

wherein the questions are pertinent to salary reports and other work related reports).

However, Williams et al. does not expressly disclose a Web site being accessed,

determination of compensation based on the job position, that said user profile is comprised of

said questions and corresponding answers, or storing said user profile.

Turnasella discloses a Website accessed via a network (See at least figures 1 and 17 and

paragraphs 0006, 0029-0031, 0048, 0055, and 0057), determination of compensation (See at

least paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question

is presented to a group of users with similar backgrounds to determine compensation), and that

said user profile is comprised of said sequence of questions and corresponding answers and

storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data

that is entered by user in response to predefined fields is stored in the system as a user profile.

Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the

database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via

a computer interface and associated with a user. Both systems concern the labor industry.

Specifically, Williams et al. presents a sequence of questions to a user to collect data about the

user and associate the user with groups based on this data. The group with which the user

matches allows the user to be hired for a position. Williams et al. also discloses the system being

implemented on the internet. A website is a well-known interface on the Internet. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to use a

website and to store the profile information gained in Williams et al. along with the questions

that elicited the data in order to more efficiently and accurately track the user's interactions with

the system by maintaining more complete records concerning each user. See column 2, lines 10-

15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is

collect candidate information and track the candidate. It would have been further obvious to one

of ordinary skill in the art at the time of the invention to associate the job position of Williams et

al. with compensation in order to more accurately inform the user of the job position, thus

allowing the user to continue with the process based on complete information. See column 7,

lines 35-50, of Williams, wherein the user determines if he/she is interested in pursuing a

position based on the job description.

Further, as for the limitation "if an appropriate affinity group does not exist, then creating

at least one new affinity group and associating said user profile with said new affinity group",

Williams et al. teaches the situation where affinity groups do exist. As currently recited, this

limitation is recited in the alternative, and thus is not required in cases where the methodology

does have appropriate existing affinity groups.

As per claim 64, Williams et al. teaches an apparatus further comprising: means for

selecting at least one affinity group to which said user profile best matches (See figure 3, column

2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25,

wherein the user is associated with at least one grouping of job positions based on his/her

answers to questions).

As per claim 65, Williams et al. teaches an apparatus wherein said network comprising at

least the Internet (See column 2, lines 50-60, column 3, lines 25-30, column 5, lines 40-50).

As per claim 66, Williams et al. teaches an apparatus further comprising: means for reporting results based on a reporting goal (See column 8, lines 25-50, wherein the best candidates are reported).

As per claim 69, Williams et al. teaches said reporting goal comprises total compensation calculations (See column 4, lines 60-65, and column 10, lines 10-46, wherein a compensation report is provided that reflects costs and benefits).

Claims 67, 68, 70, 71, 72 73, 77, 78, and 80 recite equivalent limitations to claims 22, 26, 47, 62, 27, 58, 28, 60, and 8, respectively, and are rejected using the same art and rationale as applied above.

As per claims 74 and 75, Williams teaches an external or a personal goal in connection with said user profile (See column 2, lines 20-30, 50-65, column 7, lines 35-60, column 8, lines 5-15 and 25-50, wherein the user desires a job position in which he/she is interseted). However, Williams et al. does not expressly disclose that the personal goal or external goal comprise likes of said user.

Williams et al. discloses a system wherein a user answers questions in an effort to obtain a employment position in which he/she is interested. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the position of interest of Williams et al. selected to be pursued would be associated with likes of the user in order to more accurately match a specific user to a job he/she would be good at and stick with. See column 10, lines 5-15, wherein the system is concerned with turnover rates.

As per claim 76, Williams et al. wherein said reporting goal provides aggregated information pertaining to a plurality of user profiles (See column 4, lines 60-65, column 9, lines

50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other

work related reports, wherein the data used is related to the need of the report. See also column

2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is

related to the need of the report).

As per claim 81, Williams et al. teaches wherein said possible answers are a subset of a

plurality of answers, wherein said subset being selected at least in respect of at an affinity group

associated with said user profile (See column 7, lines 5-25, 40-50, column 8, lines 10-30, and

column 10, lines 45-60, wherein answers received are a subset of answers that are possible to be

received, wherein answers are associated with the group).

As per claim 82, Williams et al. teaches wherein said user may select at least one answer

to said question (See column 7, lines 5-32 and 45-60, column 8, lines 10-40, wherein the user

answers questions).

Claims 83-85 recite equivalent limitations to claims 5-7, respectively, and are therefore

rejected using the same art and rationale as applied in the rejections of claims 5-7, respectively.

As per claim 86, Williams et al. teaches wherein a subsequent question is selected for

presentation to said user from a plurality of possible questions (See figure 3, column 7, lines 5-32

and 40-60, column 8, lines 10-40, wherein a set of questions is presented from various sets stored

in the system).

As per claim 87, Williams et al. discloses wherein said selection from a plurality of

possible question is tailored to correspond with said user profile (See figure 3, column 7, lines 5-

32 and 40-60, column 8, lines 10-40, wherein the set of questions is presented based on user

information).

As per claim 88, Williams et al. teaches wherein upon selection of an answer by said user, said user profile is associated with an affinity group (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein answers, such as location, phone number, answers to qualification questions, associate the user with groups similar to the user).

As per claims 89-90, Williams et al. does not expressly disclose and Turnasella discloses enabling said user to add a new question and said user may add a new answer to said question (See at least 0055, wherein a new question and answer is used in later surveys).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Williams et al. discloses an interface for collecting answers to a questions in order to determine if a candidate is qualified for a position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the questions and answers to be modified when a job position has different tasks and descriptions in order to more accurately evaluate a candidate for a job position by having proper information with which to validate the candidate's qualifications. See column 3, line 65-column 4, lines 15, which discuss the validation of a candidate by matching the candidates answers to a task description.

As per claim 91, Williams et al. discloses wherein said affinity groups are created based on at least a commonality between at least one attribute and at least one corresponding value (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions).

As per claim 92, Williams et al. teaches a computer implemented method for surveying a user with a sequence of questions tailored to said user, comprising the steps of:

Presenting a segment of the sequence of questions to said user, the user answers to said segment determining an affinity of said user to an employment position within one of more affinity groups, wherein each affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions));

salary levels per job position (See column 10, lines 10-35);

receiving answers from said user (See column 2, lines 50-65, column 6, lines 30-35 and 50-60, column 7, lines 5-25, column 8, lines 15-30 and 40-50, wherein the user answers the questions);

associating said user profile with one or more existing matching affinity groups based on said users profile (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed);

filtering said user profile, wherein said filtering comprises the application of a rules engine that compares said user profile to a set of predefined criteria (See column 5, lines 45-67, column 6, lines 1-5, 30-35, and 55-60, column 7, lines 5-25, wherein the profile is filtered through the stages concerning what profiles are acceptable and what profiles are not);

modifying an answer if it is inconsistent with at least said affinity group (See column 7, lines 5-25, wherein an answer may be changed if no group matches);

determining an appropriate next question to be presented to said user, said appropriate question being determined based on at least one of said matching affinity group and an answer to a previously presented question (See figures 3-4, column 7, lines 5-25, 30-50, column 8, lines 5-20 and 30-50, and column 10, lines 45-60, wherein the system asks tiers of questions); and

repeating the foregoing steps until a full profile is established (See figures 3-4, column 7, lines 5-25, 30-50, column 8, lines 5-20 and 30-50, and column 10, lines 45-60).

However, Williams et al. does not expressly disclose determination of compensation based on the job position, that said user profile is comprised of said questions and corresponding answers, or storing said user profile.

Turnasella discloses determination of compensation (See at least paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question is presented to a group of users with similar backgrounds to determine compensation), and that said user profile is comprised of said sequence of questions and corresponding answers and storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Specifically, Williams et al. presents a sequence of questions to a user to collect data about the user and associate the user with groups based on this data. The group with which the user

matches allows the user to be hired for a position. Therefore, it would have been obvious to one

of ordinary skill in the art at the time of the invention to store the profile information gained in

Williams et al. along with the questions that elicited the data in order to more efficiently and

accurately track the user's interactions with the system by maintaining more complete records

concerning each user. See column 2, lines 10-15 and 50-60, and column 6, lines 50-60, of

Williams et al. wherein a goal of the system is collect candidate information and track the

candidate. It would have been further obvious to one of ordinary skill in the art at the time of the

invention to associate the job position of Williams et al. with compensation in order to more

accurately inform the user of the job position, thus allowing the user to continue with the process

based on complete information. See column 7, lines 35-50, of Williams, wherein the user

determines if he/she is interested in pursuing a position based on the job description.

Further, as for the limitation "if an appropriate affinity group does not exist, then creating

at least one new affinity group and associating said user profile with said new affinity group",

Williams et al. teaches the situation where affinity groups do exist. As currently recited, this

limitation is recited in the alternative, and thus is not required in cases where the methodology

does have appropriate existing affinity groups.

As per claim 93, Williams et al. teaches a method further comprising the steps of: at least

periodically checking all user profiles; and attempting to generate an affinity group, wherein said

affinity group comprises at least a user profile (See column 8, lines 30-50, wherein a best match

group is created).

As per claim 97, Williams et al. discloses a method further comprising the step of:

querying any of a database of a plurality of user profiles and a database of a plurality of affinity

groups for a statistical report (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and

column 10, lines 5-20, wherein statistical information is compiled).

Claims 94, 96, and 98 recite equivalent limitations to claims 19, 10, and 60, respectively,

and are therefore rejected using the same art and rationale as applied above.

As per claim 95, the step of optionally filtering is not positively recited and therefore

would not occur in the methodology of the claims. Therefore, it has received no patentable

weight.

As per claim 99, Williams et al. teaches the step of: generating said statistical report with

at least one of said attributes held constant (See column 4, lines 10-35, column 9, lines 35-45 and

50-65, and column 10, lines 5-20, wherein statistical information is compiled).

Claims 100-102, 103-108, 109, and 110 recite equivalent limitations to claims 19-21, 23-

28, 60, and 29, respectively, and are rejected using the same art and rationale as applied above.

Response to Arguments

7.   Applicant's arguments with regards to the rejections based on Williams et al. (U.S.

6,618,734) in view of Turnasella (U.S. 2003/0145015) have been fully considered, but they are

not persuasive. In the remarks, Applicant argues that Turnasella does not teach or suggest (1)

that a user's answers to a segment of a sequence of questions are compared against other user

profiles or automatically creating affinity groups, (2) that the presentation of the next sequence

of questions is based on the affiliation of the user to this affinity group, (3) that the questions are

related to compensation, wages, and economic analysis, (4) the filtering process of claim 13, (5)

checking the consistency of answers with an affinity group (claim 14), (6) affinity groups being

created periodically (claim 15-17), or (7) a personal goal or a goal of a desired compensation (claims 27 and 51).

The applicant further argues that Turnasella does not teach or suggest (8) the creation of a user profile or that user profiles are kept with sequences of questions and corresponding answers, (9) the creation of a record (claims 2), or (10) the ability to provide a new answer not previously provided by the system and then having that answer displayed for use by other person answering the questions (claims 5-7).

In response to argument (1), Examiner respectfully disagrees. This argument was made with regards to the limitation "presenting a segment of the sequence of questions to said user, the user answers [...] determining an affinity of said user to at least **one** or more affinity groups, wherein each affinity group comprises a plurality of profiles". Examiner points out that this limitation does not specify if the plurality of profiles associated with the affinity group are specifically profiles of users. Therefore, in the broadest reasonable interpretation of the claim, these profiles could be other profiles, such as the profiles of jobs.

Either way, Williams discloses that a user is asked to submit his/her zip code (a segment of a sequence of questions, where one question is a segment (ie part) of the sequence of questions). By answering this question, the user is associated with job profiles of positions of locations similar to the entered zip information. Further, the user is later ranked against other persons with similar attributes (such as location and other information entered to interview questions) in a group of candidates being considered for the job. Therefore, Williams does teach associating a user with other users based on similarities between persons or things (ie wanting the same job and looking in the same location, for example).

In response to argument (2), Examiner respectfully disagrees. As discussed above, Williams discloses that a user is asked to submit his/her zip code (an answer to a segment of a sequence of questions). By answering this question, the user is associated with job profiles of positions of locations similar to the entered zip information. Further, the user is later ranked against other persons with similar attributes (such as location and other information entered to interview questions) in a group of candidates being considered for the job, where the candidates are also associated with the same location and job position as the user. Therefore, Williams does teach associating a user with other users based on similarities between persons or things (ie wanting the same job and looking in the same location, for example) and presenting the next sequence of questions based on this affiliation.

In response to argument (3), Examiner respectfully disagrees. The claim recites that "at least one of the questions being pertinent to at least one of compensation, benefits, wages, and economic analysis". Therefore one question of the entire sequence of questions must be related to **one of** compensation, benefits, wages, and economic analysis. Further, the claim does not specify how the question is pertinent to these areas (ie is the data collected pertinent to the surveyor to assess on of the areas, is the user answering a specific question concerning one of the areas, etc.). Therefore, Williams disclosing in column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, that the questions are pertinent to salary reports and other work related reports is sufficient to satisfy the limitation.

In response to arguments (4) and (5), Examiner respectfully disagrees. Examiner points out that claim 13 depends from claim 11. Claim 11 recites "filtering said user's profile, wherein said filtering comprises the application of a rules engine that compares said user profile to a set

of predefined criteria". Williams discloses that the user's profile is sorted by the system using

predefined criteria stored in the system in at least column 2, line 35-50, column 4, lines 10-19,

column 5, lines 55-67, column 8, lines 25-45. Thus, when claim 13 recites "modifying an

answer to said question based on at least consistency with answers of said affinity group", this is

depending from such recitation concerning filtering. The user is allowed to modify an answer to

a question when prompted to do so by the system. See column 7, lines 5-25, wherein the user

modifies an answer. Claim 14 depends from claim 13. See column 7, lines 5-25, wherein the

user modifies an answer based on a prompt that indicates omission of an answer, such as missing

numbers in a telephone number.

In response to argument (6), Examiner respectfully disagrees. Examiner first points out

that claim 16 recites "a user creating a new affinity group" without specifying who this user is.

In the broadest reasonable interpretation of the claim, the user would be an administrating user

who sets up the group, a user that is trying to associate with an affinity group by answering

questions, etc. Williams discloses in figure 3, column 2, lines 50-65, column 3, lines 30-55,

column 6, lines 30-35 and 50-60, column 7, lines 5-25, that a user creates new job positions and

loads them into the system. Then a user (who types in his/her zip code) is associated with at

least one grouping of job positions based on his/her answers to questions. See column 8, lines

15-50, wherein a group of best matches is formed.

In response to argument (7), Examiner respectfully disagrees. First, with regards to claim

27, the user aspires to attain a job in the system of Williams et al. Williams et al. teaches a score

that reflects that a user satisfies the criteria and thus the score determines that the user is hirable.

Thus, Williams et al. teaches that the goal is a personal goal that is a result of a plurality of user

inputs pertaining to personal aspirations. See column 4, lines 10-19, column 8, lines 20-45,

column 9, lines 35-45, wherein the user inputs answers to questions in the pursuit of attaining a

job position. With regards to claim 51, Examiner notes that claim 51 depends from claim 49,

which discusses compensation reports constrained by either an attribute of a user profile or a

reporting goal, where Williams et al. was relied upon to teach a reporting goal. Thus, in claim

51, compensation is a reporting goal of the system. Williams teaches said goal comprising at

least a desired compensation in at least column 4, lines 60-65, and column 10, lines 10-20, which

discusses compensation for employees in the form of salary levels.

In response to argument (8), Examiner respectfully disagrees. Turnasella is relied on as a

secondary reference to teach that a user profile is comprised of a sequence of questions and

corresponding answers and storing said user profile. Turnasella discloses in paragraphs 0006,

0031-0033, 0044, 0048, 0055, that data that is entered by user in response to predefined fields

and that this data is stored in the system as a user profile. The question (i.e. wage?) and the

answer (i.e. the inputted amount) are stored in the database as the user's profile. Multiple

questions are answered and stored in this way. Therefore a sequence (i.e. series, number) of

questions and answers are stored in the users profile. If something more specific is meant by the

term sequence or in how the questions and answers are stored, it should be clearly recited in the

claims to receive appropriate patentable weight.

Further, Turnasella specifically discloses a user profile. See paragraphs 0031-0033,

0036, 0038, 0044, 0048, which specifically disclose account information that maintains data

concerning all registered users of the system (i.e. profiles including salary information

concerning the company of the user).

In response to argument (9), Examiner respectfully disagrees. See specifically paragraphs 0031-0033, 0036, 0038, 0044, 0048 which describe how a user enters information into the system and how the system uses tables and fields to maintain the data in a relational format. Therefore, Turnasella does disclose the creation of records with are grouped using SQL commands.

In response to argument (10), Examiner respectfully disagrees. Turnasella discloses that at least one answer is entered using open text in figures 9 and 17-18 and paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055. The users are allowed to develop additional job summaries to one more suited to the information desired by the group. Once developed, this new answer (i.e. job summary) may be used when the question is subsequently posed to a second user. See paragraph 0055.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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bvd
August 11, 2006

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